

IDAPA 58 - DEPARTMENT OF ENVIRONMENTAL QUALITY

58.01.16 - WASTEWATER RULES

DOCKET NO. 58-0116-0802

NOTICE OF INTENT TO PROMULGATE RULES - NEGOTIATED RULEMAKING

AUTHORITY: In compliance with Section 67-5220, Idaho Code, and IDAPA 58.01.23, Rules of Administrative Procedure Before the Board of Environmental Quality, Sections 810 through 815, notice is hereby given that this agency intends to promulgate a rule and desires public participation before publishing a proposed rule. This rulemaking action is authorized by Chapters 1 and 36, Title 39, Idaho Code.

METHOD OF PARTICIPATION: Those interested in participating in the negotiated rulemaking process are encouraged to attend the following meeting. For those who cannot participate by attending the meeting, information for submitting written comments is provided at the end of this notice.

MEETING SCHEDULE: The negotiated rulemaking meeting will be held as follows. Additional meetings may be scheduled if necessary. For information regarding participation by telephone or scheduling of additional meetings, contact the undersigned. Requests to participate by telephone must be made by December 12, 2008.

TUESDAY - DECEMBER 16, 2008 - 9 a.m. to 12 Noon

**DEPARTMENT OF ENVIRONMENTAL QUALITY
Conference Room D
1410 N. Hilton, Boise, Idaho**

PRELIMINARY DRAFT: By December 3, 2008, a preliminary draft of the rule can be obtained at http://www.deq.idaho.gov/rules/wastewater/58_0116_0802_negotiated.cfm or by contacting Paula Wilson at paula.wilson@deq.idaho.gov, (208)373-0418.

DESCRIPTIVE SUMMARY: The Department of Environmental Quality (DEQ) has initiated this rulemaking to allow for the creation of a combined very small wastewater treatment and collection system license for communities with 500 connections or less. Operators struggle with obtaining the various licenses currently required for the different aspects of very small facility operation. This difficulty in obtaining more than one license results in there being too few properly licensed operators. This lack of properly licensed operators places the facilities in danger of being out of compliance with the rules that require they use the services of properly licensed operators. Smaller systems, due to their relative simplicity of operation, are good candidates for operation by individuals with combined licenses.

DEQ has received approval from the Governor's office for temporary adoption of the rule in order to confer the following benefits to the citizens of the state of Idaho:

1. The rule allows for the creation of a combined very small wastewater treatment and collection system license, thereby immediately reducing the licensure fee from \$90 a year to \$45 annually for small public wastewater systems.
2. It is expensive for small public wastewater systems to achieve compliance with the current wastewater licensure requirement. Adoption of a temporary rule will allow numerous small public wastewater systems the ability to quickly come into compliance by gathering and expending fewer funds.
3. The rule will reduce the number of noncompliant systems by making compliance with the licensure requirement less burdensome. DEQ and the Idaho Bureau of Occupational Licenses (IBOL) will achieve greater administrative efficiencies and expend fewer funds enforcing the requirement.
4. IBOL must, subsequent to this rule, promulgate a complementary rule in order to fully effectuate the benefit of a reduced licensure fee on small public wastewater system owners. Adoption of a temporary rule will allow for IBOL to act quickly to ensure the benefit is timely conferred.

The text of the rule will be drafted by DEQ in conjunction with a negotiating committee made up of persons having an interest in the development of this rule. Cities, water and sewer districts, homeowner associations, private wastewater contractors, operators, the Association of Idaho Cities, the Idaho Rural Water Association, and the Pacific Northwest Clean Water Association - Idaho Sections (North Idaho, Southeast and Southwest Idaho Operator Sections) may be interested in participating in this rulemaking.

Upon conclusion of negotiations, DEQ intends to present a rule to the Board of Environmental Quality for temporary adoption at its February 2009 meeting. If adopted by the Board, DEQ will then publish the temporary rule and initiate proposed rulemaking.

ASSISTANCE ON TECHNICAL QUESTIONS AND SUBMISSION OF WRITTEN COMMENTS: For assistance on questions concerning this rulemaking, contact Ester Ceja at ester.ceja@deq.idaho.gov, (208)373-0585.

For those who cannot participate by attending the scheduled meeting, written comments may be submitted by mail, fax or e-mail at the address below. Written comments on the preliminary draft rule must be received by December 24, 2008. For information regarding submission of written comments on subsequent drafts of the negotiated rule, and to receive the most recent version of the draft negotiated rule, contact the undersigned.

Dated this 31st day of October, 2008.

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